

Committee on Resources, Subcommittee on Forests & Forest Health

[forests](#) - - Rep. Scott McInnis, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6205 - - (202) 225-0691

Witness Statement

Statement of
Dennis Bschor
Director of Recreation, Heritage, and Wilderness Resources
Forest Service, United States Department of Agriculture
before the Subcommittee on
Forests and Forest Health
Committee on Resources
United States House of Representatives
July 26, 2001
Concerning
**H.R. 1772 Ephraim Utah Land Exchange and
H.R. 1576 James Peak Wilderness**

Mr. Chairman and Members of the Subcommittee: Thank you for the opportunity to discuss the views of the Administration on H.R. 1772, Ephraim Utah Land Exchange and H.R. 1576, James Peak Wilderness. I am Dennis Bschor, Director of Recreation, Heritage, and Wilderness Resources for the USDA Forest Service. The Administration looks forward to working with the Chairman and the Subcommittee on the issues addressed by these bills.

H.R. 1772, which provides for an exchange of certain property between the United States and Ephraim City, Utah.

H.R. 1772 would authorize the Secretary of Agriculture to convey a 0.7-acre parcel of land to Ephraim City, Utah, if Ephraim City, Utah conveys all right, title, and interest in a 3.226-acre parcel of land to the United States. H.R. 1772 deems the lands authorized to be exchanged as equal value. The Administration does not object to exchanging the lands with Ephraim City, Utah included in H.R. 1772. However, we would like to explore with the Committee the other authorities, which presently exist, that could be used to accomplish this exchange.

The Forest Service can meet the objectives of the bill through current statute that allows the Forest Service to convey this parcel to Ephraim City, Utah for land or cash value. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to national forests in Alaska and in the contiguous western states. Moreover, under various additional land exchange Acts, the Secretary of Agriculture can exchange national forest system lands with State and local governments.

In addition, section 1(c) of H.R. 1772 determines this exchange is not a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The Administration opposes section 1(c). There are numerous issues concerning an exchange of this type,

including historic significance of the US parcel, that should be addressed as part of a participatory and transparent process that NEPA provides. We believe that, in this case, the requirements of NEPA would be satisfied with analysis and documentation that can be expeditiously provided in an Environmental Assessment and that the exchange should be subject to the NEPA process.

If the Committee determines that specific legislation is warranted, the Administration would be willing to work with the Committee to ensure that the exchange is equitable and environmentally sound.

H.R. 1576 - James Peak Wilderness, Wilderness Study, and Protection Area Act

In summary, H.R. 1576 designates two areas as wilderness areas, one area as a wilderness study area, and one area as a protection area. In addition, H.R. 1576 addresses acquisition of State and private lands within the protected areas and directs the Forest Supervisor to construct a trailhead in the Fall River basin and provide technical assistance to local governments in repairing Rollins Pass Road.

Section 2 of H.R. 1576 would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forests as the James Peak Wilderness and add approximately 2,232 acres of the Arapaho and Roosevelt National Forests known as the Ranch Creek Addition to the Indian Peaks Wilderness.

Section 3 of the bill would designate 18,000 acres of the Arapaho and Roosevelt National Forests as the James Peak Protection Area. This area would be managed consistent with the direction established in the 1997 Revised Land and Resource Management Plan (LRMP) for the Arapaho and Roosevelt National Forests. Approximately 8,000 acres of the 18,000-acre James Peak Protection Area would be managed as a wilderness study area to maintain the wilderness character for future consideration as wilderness. Section 3 also requires the Secretary to restrict the use of motorized and mechanized travel to designated routes within the Protection Area. This section instructs the Secretary to prepare a report to Congress concerning the suitability of lands within the wilderness study area for inclusion in the National Wilderness Preservation System. The report will also determine whether non-motorized vehicles should be permitted on the Rogers Pass Trail.

Section 4 of the bill directs the Secretary to negotiate with the owners of inholdings on a willing seller basis to acquire those lands within the Protection Area. This section also directs the Secretary to prepare a report concerning the status of negotiations and acquisition.

Section 5 of the bill directs the Secretary to establish a trailhead in the Fall River basin to regulate use of national forest system land in the Fall River basin south of the communities of Alice and St. Mary's Glacier and to prepare a report to Congress identifying the funding needed to implement this section.

Section 6 of the bill states that no buffers to wilderness will be created and directs the Secretary, upon request, to assist with repair of the Rollins Pass road. If repairs are completed, the Secretary is to close to motorized travel the roads and trails shown on the Rollins Pass road and trail closure map.

The 1997 Revised LRMP recommended wilderness designation for the Ranch Creek Addition to the Indian Peaks Wilderness. The LRMP also recommended the Bald Mountain and Chittenden Mountain roadless areas, located on the southeast boundary of the Indian Peaks Wilderness, for wilderness designation, but these are not included in H.R. 1576. The proposed James Peak Wilderness was not recommended for wilderness designation in the LRMP. We would like to determine the level of local support for this proposed

designation.

We would like to work with the Chairman and Mr. Udall to determine whether legislation is necessary to achieve all of the objectives outlined in H.R. 1576. While wilderness designations require legislation, we believe the protections outlined in the LRMP are sufficient to protect the resource values in the proposed James Peak Protection Area and James Peak Wilderness Study Area. In addition, the LRMP provides direction under which concerns regarding travel management and dispersed recreation use can be addressed in the Rollins Pass, Rogers Pass, and Fall Creek basin areas.

We look forward to working with the Chairman, Representative Udall, and other delegation members on the proposals raised in this bill.

This concludes my testimony. I would be happy to address any questions that you may have.

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